

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEMARIO CRENSHAW,

Petitioner,

v.

Case No. 23-cv-11172
Hon. Matthew F. Leitman

THE PEOPLE OF THE
STATE OF MICHIGAN,

Respondent.

**ORDER (1) CONSTRUING AMENDED COMPLAINT (ECF No. 5) AS A
MOTION FOR LEAVE TO AMEND; (2) DENYING MOTION FOR LEAVE
TO AMEND (ECF No. 5); AND (3) DENYING PETITIONER'S
APPLICATION TO PROCEED *IN FORMA PAUPERIS* (ECF No. 6)**

On May 17, 2023, Petitioner Demario Crenshaw filed a petition for a writ of habeas corpus, in which he challenged his pending state court prosecution. (*See* Pet., ECF No. 1.) This Court summarily dismissed the petition because Crenshaw has yet to be convicted of any criminal charges in state court, and because a federal district court should generally abstain from hearing a pretrial habeas petition filed by a state prisoner if the issues raised in the petition are capable of being resolved in state court. (*See* Order, ECF No. 3.)

Following the Court's order summarily dismissing his petition, Crenshaw filed an Amended Complaint (ECF No. 5) and an Application to Proceed *In Forma Pauperis* (ECF No. 6.) The Court construes Crenshaw's Amended Complaint (ECF

No. 5) as a Motion for Leave to Amend and, for the same reasons explained in the Court's Order summarily dismissing Crenshaw's petition, **DENIES** the motion. Moreover, Crenshaw's Application to Proceed *In Forma Pauperis* (ECF No. 6) is also **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 14, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 14, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126